

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q92553

Masayoshi KOBAYASHI

Appln. No.: 10/563,879

Group Art Unit: 2416

Confirmation No.: 7294

Examiner: Mohammad S. ANWAR

Filed: January 9, 2006

For: TRANSPORT LAYER RELAY METHOD, TRANSPORT LAYER RELAY DEVICE,  
AND PROGRAM

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. ARATA KOIKE, "Performance Evaluation for TCP Flow Control and ABR Rate Control Interworking", Technical Report IEICE, 20 March 1998, pp. 121-126, Vol. 97 No. 62, Institute of Electronics Information and Communication Engineers, Japan;

2. TOTOMU MURASE et al., "TCP Overlay Network Architecture", Proceedings of the 2002 Communications Society Conference of IEICE: Traffic Engineering in IP-based Network, 10-13 September 2002, p.209, Institute of Electronics Information and Communication Engineers, Japan;

3. MASAYOSHI KOBAYASHI et al., "Throughput guarantee method using TCP overlay networks", Proceedings of the 2003 IEICE Communications Society Conference: Network Control, Operation & Management, 23-26 September 2003, p. 187, Institute of Electronics Information and Communications Engineers, Japan;

4. MASAYOSHI KOBAYASHI et al., "Transport layer control for thoughtput guarantee in TCP overlay networks" IEICE Technical Report, 18 September 2003, pp. 23-28, Vol. 103 No. 311, Institute of Electronics Information and Communication Engineers, Japan;

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated July 15, 2009 along with an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Registration No. 40,766

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 15, 2009

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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